



Federal Communications Commission
Washington, D.C. 20554

February 24, 2006

Reference: CGB-CC-0218

T. Blain Brock II
Huffman, Kelley, Becker & Brock, LLC
127 N. Pierce Street
P.O. Box 546
Lima, OH 45802-0546
Re: Lima Baptist Temple

Dear Mr. Brock,

The Federal Communications Commission received the petition you filed on behalf of Lima Baptist Temple, seeking an undue burden exemption from the closed captioning requirements for its programming.

With respect to your claim that closed captioning your program will cause an "undue burden," we will treat your request as one seeking an exemption based on the undue burden standard described in Section 79.1(f) of the rules. As such, and without addressing the merits of your petition, we note that it is incomplete because, among other things, it does not explain reasonable alternatives to captioning, if any. Your petition must be supported by sufficient evidence to demonstrate that compliance would cause significant difficulty or expense. Your petition also must be, but is not, supported by affidavit. Without this documentation, which is required under the Commission's rules, it is impossible for the Commission to determine whether Lima Baptist Temple has sufficiently justified an exemption from the closed captioning requirements for its programming.

We request that you promptly supplement the petition with the requested information and support it by affidavit. To assist you in supplementing your petition, enclosed is a copy of the Commission rule governing the filing and processing of petitions for exemption from the closed captioning requirements. Additional information also is available on the web at www.fcc.gov/cgb/dro/caption_exemptions.html.

Your request for exemption is also based on the fact your programming is locally produced, non-news programming with no repeat value. You appear to refer to Section 79.1(d)(8), which exempts from the closed captioning rules "locally produced and distributed non-news programming with no repeat value." This exemption applies to "programming that is locally produced *by the video programming distributor*, has no repeat value, is of local public interest, is not news programming, and for which the 'electronic news room' technique of captioning is unavailable" (emphasis added). We note that this self-implementing exemption is a narrowly focused exemption available to programming produced *by video programming distributors*. Video programming distributor is defined in Section 79.1(a)(2) as follows: "Any television broadcast station licensed by the Commission and any multi-channel video

programming distributor as defined in Section 76.1000(e) of the rules, and any other distributor of video programming for residential reception *that delivers such programming directly to the home and is subject to the jurisdiction of the Commission*" (emphasis added).


Please note that your petition remains pending. Pursuant to the Commission's rules, while your petition is pending before the Commission, the video programming that is the subject of the petition is considered exempt from the closed captioning requirements.

Please include the case identifier number **CGB-CC-0218** in all correspondence with the Commission regarding this matter. Please send an original and two copies of the supplementary material to

Amelia Brown, Disability Rights Office
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Please follow the directions found on the above website for mailing or delivering materials to the Commission. Any inquiries regarding this matter should be directed to Amelia Brown at (202) 418-2799 (voice), (202) 418-7804 (TTY), or Amelia.Brown@fcc.gov. Please refer to the case identifier number in any email correspondence or phone conversations with Commission staff.

Sincerely,



Amelia Brown
Senior Attorney
Disability Rights Office
Consumer & Governmental
Affairs Bureau